

Virginia Office for Protection and Advocacy
Richmond, Virginia
Governing Board
*****DRAFT MINUTES*****
July 28, 2009

Members Present: Pat Meyer, Chair, Charles Cooper, Waja Grimm, Chris Harrison, Maureen Hollowell, Rita Kidd, Susan Kalanges, Elizabeth Priaulx, Daaiyah Rashid, Lisa Ritchie, C W Tillman

Bill Fuller, Vice Chair (for portions)

Members Absent: Shirley McInnis, Elizabeth Schell

Guests Present: None

Staff Present: Sherry Confer, Colleen Miller, Lisa Shehi

Mona Siddiqui (for portions)

Call to Order and Welcome: Dr. Meyer called the meeting to order at 9:07 a.m., welcoming Board members and staff.

Training:

- **Client Assistance Program** Mona Siddiqui, VOPA Staff Attorney, explained the Client Assistance Program, provided a handout, and responded to questions from Board members.

Mission Statement: C W Tillman read the Mission Statement.

Adopt Agenda: Colleen Miller, Executive Director, noted the following changes to the agenda:

- The report from the Finance and Resource Development Committee will be rescheduled to allow Dr. Fuller to attend and participate.
- The report from the Finance and Resource Development Committee will be given by Charles Cooper.
- The report from the Council Relations and Public Policy Committee will be given by C W Tillman.

Chris Harrison made a MOTION to adopt the agenda as amended. Susan Kalanges SECONDED the MOTION. Board members clarified the changes to the agenda and it was unanimously adopted.

Approval of April 28, 2009 Minutes: Ms. Miller noted a spelling correction in the minutes. There was discussion regarding the proper use of full names or titles.

Daaiyah Rashid asked that the minutes reflect her nomination from the floor of Elizabeth Priaulx for the position of Chair.

Mr. Harrison made a MOTION to approve the minutes as amended. Ms. Rashid SECONDED the MOTION and the minutes were unanimously approved.

Public Comment:

No public comment was offered.

Executive Director's Report:

Ms. Miller updated the Board regarding matters pertaining to the operations of the office including assessment of the IT and telephone systems, funding, staff training, and staffing changes.

Executive Committee:

- **By-Laws Changes –
Nominations Committee**

Ms. Miller distributed notes from the July 21, 2009 Executive Committee Meeting. Dr. Meyer recommended, on behalf of the Committee, changes to the By-Laws regarding the Nominations Committee for a second reading and vote by the Board. After discussion, Susan Kalanges made a MOTION to amend the proposal from the Executive Committee to remove the reference to requiring nominations from the floor have written approval of the nominee. Mr. Harrison SECONDED the MOTION to amend. The amendment was approved by unanimous vote. Mr. Harrison read the Nominating Committee section of the By-Laws as amended as follows:

- *The Chair shall appoint a Nominating Committee. The Nominating Committee shall consist of three Board members. The outgoing Chair and ex officio Board members may serve on the Committee. The nominations for officers shall be presented in writing or email to the Board 30 days prior to the meeting that the vote will be taken. The Nominating Committee is encouraged to contact every member of the Board to solicit their suggestions. The Nominating Committee shall not nominate a member of the Nominating Committee to serve as an officer of the Board.*

Dr. Meyer re-stated the MOTION to amend the By-Laws Nominating Committee section. As a recommendation of the Committee, no SECOND was required. The By-Laws Nominating Committee section was unanimously adopted.

- **Committee Membership**

Dr. Meyer noted one change to the Committee Membership structure, replacing Susan Kalanges on the Internal Policy Committee with Elizabeth Schell.

- **Meeting Schedule for FY10**

After Board discussion, the meeting schedule for 2010 was scheduled as follows:

January 30, 2010 in Richmond
April 30, 2010 in Virginia Beach
July 28, 2010 in Richmond
September 29, 2010 in Richmond

**Finance and Resource
Development Committee:**

- **Financial Report**

Charles Cooper, Committee Chair, noted that the Committee met on July 23 to review financial reports, the FY2010 budget, fundraising, and new programs. Mr. Cooper shared that VOPA ended FY2009 slightly under budget. On behalf of the Committee, Mr. Cooper recommended that the financial report be adopted. Board members adopted the report unanimously.

- **Budget Proposal**

Mr. Cooper shared the process of developing the FY2010 budget, noting that the FY2010 budget is slightly less than FY2009. Mr. Cooper recommended, on behalf of the Committee, that the Board approve the projected FY2010 budget as follows:

Expenditures	<u>FY2010</u>
salaries, wages, fringe	2,385,715
services, memberships, subscriptions, travel	310,434
supplies, gas	13,926
unemployment, indirect costs	176,366
rent, rentals, service charges	229,184
equipment, furniture	<u>47,590</u>
	3,163,215
Cash Transfer Out	<u>2,000</u>
	3,165,215

Board members discussed allocations in the budget for contract funding, litigation, and cost of living increases for staff. The Board also discussed the staff salary increase in the budget, and asked that any final decision on the increase be deferred until the September or January Board meetings. Following discussion, Board members adopted the FY2010 with a vote of nine (9) in favor and one (1) abstention. The budget was adopted by majority vote.

Ms. Miller explained that there is a possibility of funding for a small project surrounding the use of representative payees. She will keep the Board apprised of developments.

Mr. Cooper shared that the Committee also discussed fundraising opportunities from foundations and businesses.

Lunch

The Board adjourned for lunch at 12:00 and returned at 12:30.

Internal Policy Committee:

- **Policy 4.5 – Hours of Operation**

Mr. Harrison, Committee Chair, noted that the Internal Policy Committee was scheduled to meet on July 27, 2009. With no quorum represented at the Committee, Mr. Harrison presented Policy 4.5 – Hours of Operation for second reading.

Policy 4.5: Hours of Operation- -

It is the policy of the Virginia Office for Protection and

Advocacy to ensure adequate staffing to provide good customer service during normal business hours of operation, while offering sufficient flexibility to staff to meet personal needs. Where the two conflict, the needs of the Office will take priority. This flexibility allows VOPA to provide a responsive, effective work environment.

There being no discussion, Mr. Harrison made a MOTION to adopt the policy statement as read. Elizabeth Priaulx SECONDED the MOTION and the policy statement was adopted by unanimous vote.

- **Policy 4.17 – Providing Job References**

Mr. Harrison presented Policy 4.17 – Providing Job References for a second reading and Board vote. There being no quorum present at the Internal Policy Committee, Mr. Harrison made a MOTION to adopt the policy statement as follows:

Policy 4.17: Providing Job References

It is the policy of the Virginia Office for Protection and Advocacy (VOPA) to provide employment related references for employees, interns, and students based on VOPA's employment knowledge and experience with the individual. Detailed employment references will only be provided when a VOPA employee or former employee completes the VOPA Employment Reference Release form.

With no Board discussion, Mr. Harrison made a MOTION to adopt the policy statement as read. Ms. Rashid SECONDED the MOTION and the policy statement was adopted by unanimous vote.

- **Policy 2.5 – Conflicts of Interest**

Mr. Harrison presented Policy 2.5 – Conflicts of Interest for the first reading by the Board. With no changes from the Board, the Committee will present the Policy for second reading and vote at the September Board meeting.

Goals and Public Awareness Committee:

- **Proposed Focus Areas**

Ms. Priaulx stated that that Goals and Public Awareness Committee met in Richmond on July 13, 2009 and studied the proposed Focus Areas for FY2010. On behalf of the Committee, Ms. Priaulx recommended that the Board adopt the Focus Areas as presented. Board members discussed the Focus Areas. Ms. Miller explained that Focus Areas listed as "contingent" would be applicable if possible through additional funding sources. With no SECOND being required, the Board voted unanimously to adopt the Focus Areas as noted below, following the Goals approved in April.

Goal 1: People with Disabilities are Free from Abuse and Neglect

Focus Area 1: Individuals Living in Institutional Settings have an Adequate System for Protection from Harm

Focus Area 2: Individuals Living in Licensed Community Residential Settings have an Adequate System for Protection from Harm

Focus Area 3: Abuse or Neglect in Community or Institutional Settings Serving Children and Adolescents

Focus Area 4: Individuals in City, County and Regional Jails have Access to Timely and Appropriate Mental Health Services

Goal 2: Children with Disabilities Receive an Appropriate Education

Focus Area 1: Appropriate Therapy and Services for Children with Disabilities

Focus Area 2: Equal Access to a Full School Day for Children in Special Education

Focus Area 3: Children who are Suspended or who are at Risk of Long-Term Suspension

Focus Area 4: Special Education for Children with Traumatic Brain Injuries

Focus Area 5: Transition from School to Work

Contingent Focus Area 6: Increased Advocacy Resources for Special Education

Goal 3: People with Disabilities Have Equal Access to Government Services

Focus Area 1: Access to Vote for Persons with Disabilities

Focus Area 2: Access to State and Federal Government Services

Focus Area 3: Appropriate TBI supports for Veterans

Focus Area 4: Reasonable Accommodations for individuals in public housing or receiving public assistance in housing

Goal 4: People with Disabilities Live in the Most Appropriate Integrated Environment

Focus Area 1: Maximize Individual Choice and Self Direction

Focus Area 2: Individuals are Ensured the Right to Timely Discharge from State Facilities

Focus Area 3: Individuals found Not Guilty by Reason of Insanity Receive Adequate Due Process Protections Relative to Conditional Release

Focus Area 4: Equal Access to Public Accommodations under the ADA

Contingent Focus Area 5: Develop Self Advocacy Resources for individuals with disabilities to effectively advocate for their legal rights.

Goal 5: People with Disabilities are Employed to their Maximum Potential

Focus Area 1: Barriers to Work for Social Security Beneficiaries

Focus Area 2: Maximized Employment for Vocational Rehabilitation Clients

Focus Area 3: Employment Rights under the ADA

Goal 6: People with Disabilities have Equal Access to Appropriate and Necessary Healthcare

Focus Area 1: Assistive Technology through Insurance

Focus Area 2: Denial of Needed and Appropriate Medicaid Services

Focus Area 3: Accessibility of medical offices and clinics under the ADA and Rehabilitation Acts

Focus Area 4: Individuals with Developmental Disabilities have Access to Dental Care

The Board will review the Objectives at the September Board meeting.

Council Development and Public Policy Committee:

Mr. Tillman noted that the Council Development and Public Policy met on July 27 and continues to work towards reviewing recommendations from the April 2008 Board Retreat. Mr. Tillman shared that the Retreat resulted in approximately 21 recommendations towards improving relations between Advisory Council members and the Board. The Committee is working on the Retreat recommendations that can be adopted based on resources. On behalf of the Committee, he presented Proposed Procedures Changes to Board Policy 10 – Appointment of Advisory Council Members as noted below. The following procedures were previously provided to the Board for first reading in April 2009.

1. VOPA will maintain a Council membership requirement matrix. This matrix will be included in the Council meeting packets.
2. Individuals interested in being appointed to one of VOPA's Advisory Councils will complete an application.
3. The application will be reviewed by VOPA Staff to ensure that the application meets the above requirements.
4. In the event the application is incomplete or VOPA needs clarification, contact will be made with the applicant by the

VOPA Staff.

5. VOPA Staff interviews applicant.
6. VOPA Staff discusses potential applicant with Council Chair.
7. If the Council Chair feels the applicant should be made a provisional member of the Council, he or she recommends that the VOPA Governing Board Chair appoint the applicant as a provisional Council member.
8. Applicants not meeting Council vacancy needs will be notified by VOPA Staff that their service is not needed at this time. These applicants will be retained for two (2) years. In the event an appropriate vacancy arises, these applications may be reconsidered.
9. If the Board Chair agrees, he or she appoints the applicant as a provisional member of the Council.
10. The provisional member attends the next scheduled meeting of the Advisory Council. Near the end of the meeting the provisional member shall be asked if they wish to become a full member of the Advisory Council. If they wish to be considered they will state their qualifications and Advisory Council members will have the opportunity to briefly interview the member.
11. Advisory Council Chair closes meeting to vote on appointing member. If the Council approves of the provisional member, they ratify the Board Chair's appointment, making the provisional member a full member of the Council.
12. Board Chair is notified by the Council of the appointment.

After Board members discussed the recommended procedures, Mr. Harrison made a MOTION to strike the first sentence of Procedure #11. Ms. Rashid SECONDED the MOTION and it carried with unanimous vote of the Board.

Dr. Meyer called for the vote to adopt the procedures as amended. The procedures were adopted with unanimous vote of the Board. Dr. Meyer directed Mr. Tillman that Councils may enact Board Policy #10 and the changes immediately.

Mr. Tillman shared that some of the recommendations from the 2008 Board Retreat surrounded the loss of time from work for Council, Committee, and ex officio Board members. Mr. Tillman presented recommendations from the Committee to address these issues.

Recommendations to the VOPA Governing Board

1. Joint/simultaneous meetings between Governing Board and Advisory Councils. This will encourage greater participation/attendance of Board members with Council meetings and Council members (other than the Council Chairs) attending Board meetings. This will also limit the number of days off work to attend meetings.
Suggestion:
 - Board meets between 9-3
 - Council meets between 2-6

- Training will occur between 2-3 so both the Councils and Board can attend

2. Board Committees all meet at the same time the day before the joint Board/Advisory Council meeting. This meeting will take place later in the day, e.g. at 5 p.m., so committee members do not have to take an entire day off work, just a half day or less. Committee members will be forced to focus on just one committee. Committee members will be encouraged to find a niche or something that they are interested in and chose to be on that committee only. Committee members will no longer be stretched too thin, a better use of their skills.

After discussion, Dr. Meyer returned the recommendations to Ms. Miller for further review and analysis of cost effectiveness and efficiency of joint meetings. Mr. Tillman accepted the recommendation and requested that Ms. Miller provide the Board with feedback regarding budget and staffing impact at the September Board meeting.

Reports:

- **Litigation**

Ms. Miller answered questions from Board members and provided updates to the Litigation Report.

- **PAIMI Council**

Mr. Tillman reported that the PAIMI Council met on May 14. Dana Traynham, VOPA Staff Attorney, provided training on guardianship and the effects on people with advance directives. Following the training, the Council had a work session focusing on the development of Focus Areas. Mr. Tillman shared that he is participating in National Disability Rights Network conference calls for PAIMI Council chairs and that VOPA is advanced in its understanding and meeting the obligations of the PAIMI statutes in relations to the Council and that Michael Newcomb, Council Vice Chair, attended the NDRN Conference meeting for PAIMI Council chairs.

- **Disabilities Advisory Council**

Lisa Ritchie, Council Vice Chair, noted that Shirley McInnis, Council Chair, was unable to attend. She reported that the Disabilities Advisory Council met on June 12 and had training on foster care. Ms. Miller provided updates to the Advisory Council on litigation and the Progress on Objectives Reports. Ms. Ritchie shared that Daaiyah Rashid attended the Council meeting and provided a Governing Board Report. Council members reviewed and discussed FY2009 Goals and Focus Areas. Clyde Mathews, VOPA Managing Attorney, discussed the planning process and facilitated discussion of FY2010 Focus Areas members of the DAC would like to see adopted. Mr. Mathews also explained the public input process. Ms. Ritchie stated that an oversight occurred at the March meeting resulting in the need to nominate an individual to fill the Vice Chair position. Larry Friedrichsen, Interim Vice-Chair, was unable to continue in this role. Ms. Ritchie volunteered to be Vice-Chair

- **Progress on Objectives**

Ms. Miller referred Board members to the Progress on Objectives Report, and provided some updates on projects and answered questions.

There being no further business, Dr. Meyer adjourned the meeting at 2:35 p.m. The next meeting of the Governing Board will be held on September 28, 2009 in Richmond.

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